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In re Application of :
OGAWA et al. :
Application No.: 10/527,829 : DECISION
PCT No.: PCT/JP2003/012485 :
Int. Filing Date: 30 September 2003 :
Priority Date: 30 September 2002 :
Attorney Docket No.: 12218/53 :
For: METHOD OF COAGULATING :
POLY-3-HYDROXYALKANOIC ACID :

This decision is in response to applicants' "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)" filed in the United States Patent and Trademark Office (USPTO) on 20 November 2007. No petition fee is required.

BACKGROUND

On 30 September 2003, applicants filed international application PCT/JP2003/012485, which designated the United States and claimed a priority date of 30 September 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 22 April 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 30 March 2005.

On 14 March 2005, applicants filed, *inter alia*, a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 03 November 2005, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(h) were required.

On 15 November 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond the NOTIFICATION OF MISSING REQUIREMENTS mailed 03 November 2005.

On 20 November 2007, applicants filed the instant "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR 1.181(a)". The petition was accompanied by, *inter alia*, a copy of a declaration of inventors and a USPTO date-stamped postcard receipt.

DISCUSSION

Applicants have provided sufficient evidence to establish that on 15 November 2005 applicants filed a declaration of inventors. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 15 November 2005 and which itemizes a "COPY OF DECLARATION AND POWER OF ATTORNEY" and identifies the above-captioned application number, attorney docket number, applicant, and title. Further, practitioner states that the copy of the declaration filed 20 November 2007 is a copy of the declaration originally filed 15 November 2005. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration received on 20 November 2007 may properly be accepted as originally received in the USPTO on 15 November 2005. The NOTIFICATION OF ABANDONMENT mailed 15 November 2007 is hereby vacated.

The declaration filed 15 November 2005 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** for the reasons set forth above.

The NOTIFICATION OF ABANDONMENT mailed 15 November 2007 is **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

/Daniel Stemmer/

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